

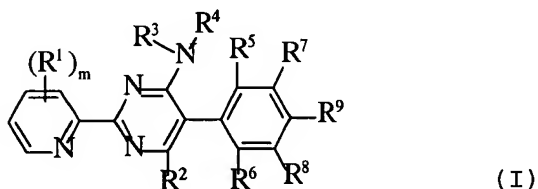
**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-11 (Cancelled)

12. (New) A 2-(2-pyridyl)-5-phenyl-6-aminopyrimidine of the formula I,



wherein:

R<sup>1</sup> is halogen, hydroxyl, cyano, oxo, nitro, amino, mercapto, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, carboxyl, C<sub>1</sub>-C<sub>7</sub>-alkoxycarbonyl, carbamoyl, C<sub>1</sub>-C<sub>7</sub>-alkylaminocarbonyl, C<sub>1</sub>-C<sub>6</sub>-alkyl-C<sub>1</sub>-C<sub>6</sub>-alkylaminocarbonyl, morpholinocarbonyl, pyrrolidinocarbonyl, C<sub>1</sub>-C<sub>7</sub>-alkylcarbonylamino, C<sub>1</sub>-C<sub>6</sub>-alkylamino, di(C<sub>1</sub>-C<sub>6</sub>-alkyl)amino, C<sub>1</sub>-C<sub>6</sub>-alkylthio, C<sub>1</sub>-C<sub>6</sub>-alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub>-alkylsulfonyl, hydroxysulfonyl, aminosulfonyl, C<sub>1</sub>-C<sub>6</sub>-alkylaminosulfonyl or di(C<sub>1</sub>-C<sub>6</sub>-alkyl)aminosulfonyl;

m is 0, 1, 2, 3 or 4;

R<sup>2</sup> is halogen, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy or C<sub>3</sub>-C<sub>6</sub>-alkenyloxy;

R<sup>3</sup>, R<sup>4</sup> independently of one another, are hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>3</sub>-C<sub>6</sub>-halocycloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-haloalkenyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>2</sub>-C<sub>6</sub>-haloalkynyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkynyl,

R<sup>3</sup> and R<sup>4</sup> can also, together with the nitrogen atom to which they are bonded, form a five- or six-membered ring which may be interrupted by an atom from the group consisting of O, N and S and/or may carry one or more substituents from the group consisting of halogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl or oxy-C<sub>1</sub>-C<sub>3</sub>-alkylenoxy or in which two adjacent carbon atoms or one N- and one neighboring carbon atom can be connected via a C<sub>1</sub>-C<sub>4</sub>-alkylene chain;

R<sup>5</sup> is halogen, C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-haloalkyl;

R<sup>6</sup> is hydrogen or one of the groups mentioned under R<sup>5</sup>;

R<sup>7</sup>, R<sup>8</sup> independently of one another, are hydrogen, halogen, C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-haloalkyl;

R<sup>9</sup> is hydrogen, halogen, hydroxyl, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>3</sub>-C<sub>6</sub>-cycloalkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, C<sub>1</sub>-C<sub>6</sub>-alkoxycarbonyl or C<sub>1</sub>-C<sub>6</sub>-alkylaminocarbonyl.

13. (New) A compound as claimed in claim 12, wherein m is zero or 1, 2 or 3 and R<sup>1</sup> has the following meaning:

halogen, hydroxyl, cyano, nitro, amino, mercapto, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, carboxyl, C<sub>1</sub>-C<sub>7</sub>-alkoxycarbonyl, carbamoyl, C<sub>1</sub>-C<sub>7</sub>-alkylaminocarbonyl, C<sub>1</sub>-C<sub>6</sub>-alkyl-C<sub>1</sub>-C<sub>6</sub>-alkylaminocarbonyl, morpholinocarbonyl, pyrrolidinocarbonyl, C<sub>1</sub>-C<sub>7</sub>-alkylcarbonylamino, C<sub>1</sub>-C<sub>6</sub>-alkylamino, di(C<sub>1</sub>-C<sub>6</sub>-alkyl)amino, C<sub>1</sub>-C<sub>6</sub>-alkylthio, C<sub>1</sub>-C<sub>6</sub>-alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub>-alkylsulfonyl, hydroxysulfonyl, aminosulfonyl, C<sub>1</sub>-C<sub>6</sub>-alkylaminosulfonyl or di(C<sub>1</sub>-C<sub>6</sub>-alkyl)aminosulfonyl.

14. (New) A compound as claimed in claim 12, wherein:

R<sup>2</sup> is halogen, C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-alkoxy;

R<sup>3</sup>, R<sup>4</sup> independently of one another, are hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl or C<sub>2</sub>-C<sub>6</sub>-alkenyl;

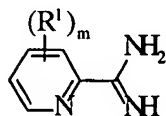
R<sup>3</sup> and R<sup>4</sup> can also, together with the nitrogen atom to which they are bonded, form a five- or six-membered ring which may be interrupted by an oxygen atom or may carry a C<sub>1</sub>-C<sub>6</sub>-alkyl substituent;

R<sup>5</sup>, R<sup>6</sup> independently of one another, are halogen;

R<sup>7</sup>, R<sup>8</sup> independently of one another, are halogen;

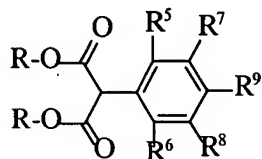
$R^9$  is hydrogen, halogen, hydroxyl,  $C_1-C_6$ -alkoxy or  $C_1-C_6$ -alkoxycarbonyl.

15. (New) A compound as claimed in claim 12, wherein  $R^2$  is chlorine.
16. (New) A compound as claimed in claim 12, wherein the combination of the substituents  $R^5$  to  $R^9$  has the following meanings: 2-methyl-4-fluoro; 2-fluoro-4-methyl; 2,4-dimethyl; 2-chloro-6-fluoro; 2,6-difluoro; 2,6-dichloro; 2-methyl-6-fluoro; 2,4,6-trifluoro; 2,6-difluoro-4-methoxy or pentafluoro.
17. (New) A process for the preparation of a 5-phenylpyridine as claimed in claim 12 in which  $R^2$  is chlorine, which comprises reacting a 2-pyridylamidine of the formula II,



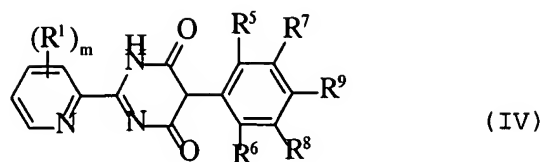
(II)

with a phenylmalonate of the formula III,

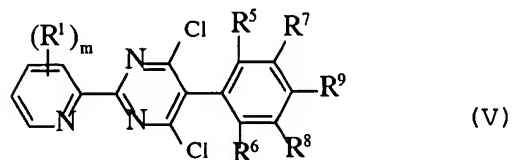


(III)

in which R is C<sub>1</sub>-C<sub>6</sub>-alkyl, to give a compound of the formula IV,



which is converted by a chlorinating agent to a dichloropyrimidine of the formula V



which is converted, with an amine of the formula VI



to a pyrimidine derivative of claim 1 in which R<sup>2</sup> is chlorine.

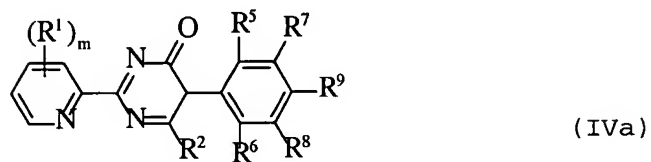
18. (New) A process for the preparation of a 5-phenylpyridine as claimed in claim 12 in which R<sup>2</sup> is C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-haloalkyl, which comprises reacting a 2-pyridylamidine of the formula II



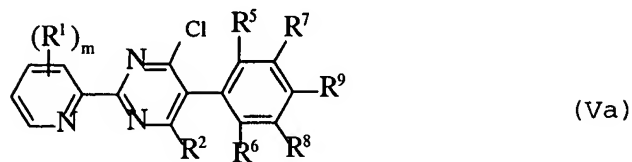
with a phenyl-*b*-ketoester of the formula VII,



in which R is C<sub>1</sub>-C<sub>6</sub>-alkyl, to give a compound of the formula IVa



which is converted by a chlorinating agent to a chloropyrimidine of the formula Va



which is converted, with an amine of formula VI,



to a pyrimidine derivative of claim 1 in which R<sup>2</sup> is C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-haloalkyl.

19. (New) The process of claim 17 further comprising adding N,N-dimethylformamide, or a nitrogenous base to the reaction converting formula IV to formula V.

20. (New) The process of claim 18 further comprising adding N,N-dimethylformamide, or a nitrogenous base to the reaction converting formula IVa to formula Va.

21. (New) The process of claim 17 further comprising conducting the reaction of converting formula II to formula IV in the presence of a base.

22. (New) The process of claim 18 further comprising conducting the reaction of converting II to IVa in the presence of a base.

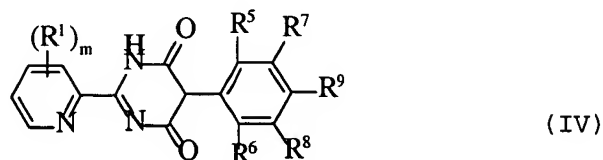
23. (New) The process of claim 19 further comprising using an amount of said base in excess of stoichiometric amounts.

24. (New) The process of claim 20 further comprising using an amount of said base in excess of stoichiometric amounts.

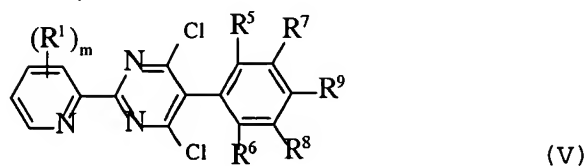
25. (New) The process of claim 21 further comprising using an amount of said base in excess of stoichiometric amounts.

26. (New) The process of claim 22 further comprising using an amount of said base in excess of stoichiometric amounts.

27. (New) An intermediate of the formula IV



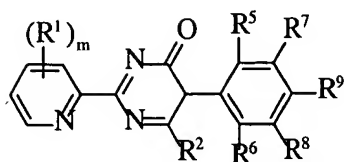
or V,



wherein R<sup>1</sup> is halogen, hydroxyl, cyano, oxo, nitro, amino, mercapto, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, carboxyl, C<sub>1</sub>-C<sub>7</sub>-alkoxycarbonyl, carbamoyl, C<sub>1</sub>-C<sub>7</sub>-alkylaminocarbonyl, C<sub>1</sub>-C<sub>6</sub>-alkyl-C<sub>1</sub>-C<sub>6</sub>-alkylaminocarbonyl, morpholinocarbonyl, pyrrolidinocarbonyl, C<sub>1</sub>-C<sub>7</sub>-alkylcarbonylamino, C<sub>1</sub>-C<sub>6</sub>-alkylamino, di(C<sub>1</sub>-C<sub>6</sub>-alkyl)amino, C<sub>1</sub>-C<sub>6</sub>-alkylthio, C<sub>1</sub>-C<sub>6</sub>-alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub>-alkylsulfonyl, hydroxysulfonyl, aminosulfonyl, C<sub>1</sub>-C<sub>6</sub>-alkylaminosulfonyl or di(C<sub>1</sub>-C<sub>6</sub>-alkyl)aminosulfonyl; m is 0, 1, 2, 3 or 4; and the combination of the substituents R<sup>5</sup> to R<sup>9</sup> has the following meanings: 2-methyl-4-fluoro; 2-fluoro-4-methyl; 2,4-dimethyl; 2-chloro-6-fluoro; 2,6-difluoro; 2,6-dichloro; 2-methyl-6-fluoro; 2,4,6-trifluoro; 2,6-difluoro-4-methoxy or pentafluoro.

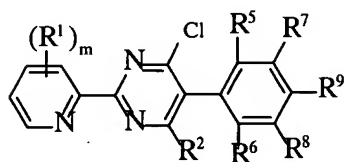


28. (New) An intermediate of the formula IVa



(IVa)

or Va,



(Va)

wherein R<sup>1</sup> is halogen, hydroxyl, cyano, oxo, nitro, amino, mercapto, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>6</sub>-cycloalkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, carboxyl, C<sub>1</sub>-C<sub>7</sub>-alkoxycarbonyl, carbamoyl, C<sub>1</sub>-C<sub>7</sub>-alkylaminocarbonyl, C<sub>1</sub>-C<sub>6</sub>-alkyl-C<sub>1</sub>-C<sub>6</sub>-alkylaminocarbonyl, morpholinocarbonyl, pyrrolidinocarbonyl, C<sub>1</sub>-C<sub>7</sub>-alkylcarbonylamino, C<sub>1</sub>-C<sub>6</sub>-alkylamino, di(C<sub>1</sub>-C<sub>6</sub>-alkyl)amino, C<sub>1</sub>-C<sub>6</sub>-alkylthio, C<sub>1</sub>-C<sub>6</sub>-alkylsulfinyl, C<sub>1</sub>-C<sub>6</sub>-alkylsulfonyl, hydroxysulfonyl, aminosulfonyl, C<sub>1</sub>-C<sub>6</sub>-alkylaminosulfonyl or di(C<sub>1</sub>-C<sub>6</sub>-alkyl)aminosulfonyl; m is 0, 1, 2, 3 or 4; and the combination of the substituents R<sup>5</sup> to R<sup>9</sup> has the following meanings: 2-methyl-4-fluoro; 2-fluoro-4-methyl; 2,4-dimethyl; 2-chloro-6-fluoro; 2,6-difluoro; 2,6-dichloro; 2-methyl-6-fluoro; 2,4,6-trifluoro; 2,6-difluoro-4-methoxy or pentafluoro.

29. (New) A composition suitable for the control of harmful phytopathogenic fungi, comprising a carrier and a compound of claim 12.
30. (New) The composition of claim 29 wherein said carrier is a solid carrier.
31. (New) The composition of claim 29 wherein said carrier is a liquid carrier.
32. (New) A method for the control of harmful phytopathogenic fungi, which comprises treating the fungi or the materials, plants, ground or seeds to be protected from fungal' attack with an effective amount of a compound of claim 12.